

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:12-CV-00095-RLV  
(5:09-CR-00041-RLV-DCK)**

ELBERT MAURICE MAYFIELD, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on its own motion following the filing of Respondent' Motion to Dismiss on September 12, 2013. (Doc. No. 11)

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4<sup>th</sup> Cir. 1975), the Court advises Petitioner, who is proceeding pro se that he as a right to respond to Respondent's Motion. The Court also advises Petitioner that failure to respond may result in dismissal of the Complaint.

**IT IS, THEREFORE, ORDERED** that:

1. Petitioner shall respond to the pending Motion to Dismiss, (Doc. No. 11), no later than thirty (30) days from entry of the Order. Failure to file a timely and persuasive response may lead to the dismissal of this lawsuit.
2. The Clerk of Court is directed to send a copy of this Order to the pro se Petitioner by certified U.S. mail.

Signed: September 25, 2013



Richard L. Voorhees  
United States District Judge

